

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 RICHARD L. WENDT
11 REVOCABLE LIVING TRUST,

12 Plaintiff,

13 v.

14 CHURCHILL & COMPANY2 LLC,

15 Defendant.

CASE NO. C23-5359JLR

NOTICE OF FINANCIAL
INTEREST

16 While reviewing the parties' briefing on the pending motion for partial summary
17 judgment, the undersigned became aware that between 2015 and 2022, non-party Pelican
18 Capital, LLC ("Pelican"), the subject of the parties' dispute, was engaged in business
19 dealings with and filed an arbitration against non-parties Builders Capital, Builders
20 Capital Investment, Inc., and Builders Capital Opportunity Fund, LLC. (*See* MSJ (Dkt.
21 # 32) at 7-9.) The court gives the parties notice that the undersigned was an investor in
22

1 Builders Capital Opportunity Fund, LLC beginning in 2019 until May 2024. He no
2 longer has any financial interest in any Builders Capital entity.

3 Canon 3C(1)(c) of the Code of Conduct for United States Judges provides:

4 A judge shall disqualify himself or herself in a proceeding in which the
5 judge's impartiality might reasonably be questioned, including but not
6 limited to instances in which . . . the judge knows that the judge, individually
7 or as a fiduciary, or the judge's spouse or minor child residing in the judge's
household, has a financial interest in the subject matter in controversy or in
a party to the proceeding, or any other interest that could be affected
substantially by the outcome of the proceeding.

8 In the undersigned's view, this past investment in a non-party does not warrant
9 disqualification because the undersigned no longer has any interest that could be affected
10 by the outcome of these proceedings. The parties, however, may disagree with this
11 opinion. Therefore, the court ORDERS the parties to respond to this notice, by no later
12 than **October 11, 2024**, with their positions on whether the undersigned is required to
13 recuse from these proceedings based on his past interest in Builders Capital Opportunity
14 Fund, LLC.

15 Dated this 4th day of October, 2024.

16 
17

18 JAMES L. ROBART
United States District Judge
19
20
21
22